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VIA ELECTRONIC FILING

The Honorable Denis R. Hurley
United States District Court Eastern District
of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Re: Robert Novak v. Overture Services, Inc., et al.
Civil Action No. 02-5164 - DRH-JO

Your Honor:

We represent Defendant Overture Services, Inc. ("Overture"). We noted on the docketing sheet that by order dated February 18, 2005, you dismissed all of Plaintiff Robert Novak d/b/a Pets Warehouse and PetsWarehouse.com's ("Novak") claims against Overture with prejudice. In addition, you dismissed Overture's counterclaim against Novak with prejudice. This was consistent with the Notice of Voluntary Dismissal filed by Overture and Novak.

However, for purposes of our confidential agreement with Novak, Overture requests that the Court formally issue an order dismissing Novak's claims against Overture with prejudice, and Overture's counterclaim against Novak with prejudice. In case it is of assistance, we enclose a draft proposed order for your convenience.

Respectfully submitted,

Suzanne M. Berger

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